



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/586,511

05/17/2007

Peter Geiger

GEIGER-9 PCT

4648

25889

7590

10/05/2010

COLLARD & ROE, P.C.

1077 NORTHERN BOULEVARD

ROSLYN, NY 11576

EXAMINER

BUTLER, PATRICK NEAL

ART UNIT

PAPER NUMBER

1742

MAIL DATE

DELIVERY MODE

10/05/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,511	Applicant(s) GEIGER, PETER	
	Examiner Patrick Butler	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060929 and 20070517</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I, Claims 1-7, in the reply filed on 12 July 2010 is acknowledged. The traversal is on the ground(s) that a search for the invention of Group I would necessarily include a search for the invention in Group II. Thus, a simultaneous search would not constitute an unreasonable burden. This is not found persuasive because the inventions diverge by lacking the same or corresponding special technical feature as indicated in the Office Action mailed 14 June 2010.

The requirement is still deemed proper and is therefore made FINAL.

Claims 8-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12 July 2010.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "returned to the storage area after use" in lines 3 and 4 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claims 1 and 7 do not previously recite a requirement for a storage area.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartlett (US Patent No. 848,955).

With respect to Claim 1, Bartlett teaches making concrete bricks using angular members of central portion 12, end portions 13 and 13, and flanges 14 and flat mold members 17 attached to a holder of base 18 and frame 19 (a method for producing concrete blocks, it being possible for a number of individually selectable separate molds to be attached to a base frame) (see figs. 3 and 4 and page 1 of text, lines 36-53 and 82-92). Bartlett teaches assembling the angular members and flat mold members 17 in the holder (fitting of the base frame with a number of selected separate molds) (see page 1 of text, lines 82-92), inserting concrete in the mold cavities until it has hardened for removal (filling the separate molds with liquid concrete material; removing the cured concrete blocks from the separate molds) (see page 1 of text, lines 108-112), and removing the mold members from the holder (separating the separate molds from the base mold) (see page 1 of text, line 112 through page 2 of text, line 6).

With respect to Claim 2, Bartlett teaches the angular members and flat mold members 17 are within the holder (the base frame being formed as an outer frame) (see page 1 of text, lines 82-92).

With respect to Claims 3 and 4, Bartlett teaches compacting the mold members in place while allowing for the subsequent removal of the mold members from the holder (a number of separate molds being detachably attached in the interior of the outer frame; the separate molds being detachably connected to one another) (see page 1 of text, lines 105-108 and page 1 of text, line 112 through page 2 of text, line 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartlett (US Patent No. 848,955) as applied to claims 1-4 above, and further in view of Montorsi (EP 1 319 485 A2).

With respect to Claim 5, Bartlett teaches making concrete bricks to mold multiple bricks at once (see figs. 3 and 4 and page 1 of text, lines 36-53 and 82-92) as previously described.

However, Bartlett does not appear to expressly teach different separate molds being kept in a storage area.

Montorsi teaches making multiple elements in a single mold with interchangeable inserts 13 (see fig. 1, [0004], [0006], and [0008]). The mold components are stored (a range of different separate molds being kept in a storage area; separate molds being

Art Unit: 1791

separated from the base frame and returned to the storage area after use) (see [0022]-[0024]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use interchangeable stored inserts as taught by Montorsi in Bartlett's process of making bricks in order to provide a variety of thicknesses, profiles, and shapes (see Montorsi, [0004], [0006], and [0022]-[0024]).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartlett (US Patent No. 848,955) and Montorsi (EP 1 319 485 A2) as applied to claims 5 and 7 above, and further in view of Graham (US Patent Application Publication No. US 2003/0055525 A1).

With respect to Claim 6, Bartlett teaches making concrete bricks to mold multiple bricks at once (see figs. 3 and 4 and page 1 of text, lines 36-53 and 82-92) as previously described.

However, Bartlett does not appear to expressly teach that stored components are moved via an automatic removal device.

Graham teaches staged (stored) molds being moved via a robot controlled by a computer system (individually selectable separate molds being taken by means of an automatic removal device from the storage area to the base frame for fitting) (see [0017]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an automated system as taught by Graham to move the

Art Unit: 1791

molds of Bartlett in order to minimize production costs and maximize efficiency and output (see Graham, [0003]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Butler whose telephone number is (571) 272-8517. The examiner can normally be reached on Mon.-Thu. 7:30 a.m.-5 p.m. and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. B./
Examiner, Art Unit 1791

/Christina Johnson/
Supervisory Patent Examiner, Art Unit 1791